IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

WP(C).No. 30603 of 2006(R)

PETITIONERS:

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1. N.A.GANESHAN, AGED 57,
   COMPANY EMPLOYEE, S/O. LATE ANANTHA NARAYAN IYYER
   RESIDING AT "LAKSHMI", C.C.NO.44/1259,
   NEW NO.31/624 BEE BEE LANE, KACHAPPILLY ROAD,
   VYTTILA P.O., PIN-682 019, KANAYANNUR TALUK.

2. KUM. RADHIKA GANESH, MINOR,
   AGED 10 YEARS, STUDENT, D/O. N.A.GANESHAN,
   REPRESENTED BY FATHER AND GUARDIAN
   N.A.GANESHAN, IN -DO- -DO-

BY ADV. SRI.K.V.VAIDYANATHAN
SRI.V.J.JOHN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO GOVT. OF KERALA, TRIVANDRUM.

2. TAHSILDAR,
   KANAYANNUR TALUK OFFICE,
   COCHIN-11.

3. VILLAGE OFFICER,
   POONITHURA VILLAGE, VYTTILA P.O.,
   COCHIN-19.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.30603 OF 2006

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Dated this the 20th day of November 2006

JUDGMENT

Heard both sides.

2. The petitioner is aggrieved by Ext.P4 legal heirship certificate issued by the Tahsildar because according to him the parents of the deceased are not entitled to be included in the list of legal heirs. It is seen from Ext.P4 that both the parents of the deceased are included in the list of legal heirs of the deceased by the Tahsildar. Petitioner relied on Section 58 of the Hindu Succession Act which does not include parents of the deceased. It appears from Ext.P4 that certificate was issued by the Tahsildar without reference to statutory provisions. Therefore, petitioner has filed a petition before the Tahsildar for reconsideration.

3. In the circumstances, writ petition is disposed of directing the second respondent to consider petitioners contentions with reference to statutory provisions and modify Ext.P4 to the extent required. Since he has already included the parents of the deceased as legal heirs, there will be a direction

to the Tahsildar to issue notice to them and hear nature of their claim also and if they are not entitled to, communicate them about the same and issue fresh legal heirship certificate to the petitioners within a period of one month from the date of production of a copy of this judgment.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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